

TAB

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD



03-27-2003

U.S. Patent & TMO/TM Mail Rcpt Dt. #71

PUCEL ENTERPRISES, INC.)
)
)
 Opposer,)
)
)
 v.)
)
 GRIZZLY INDUSTRIAL, INC.)
)
)
 Applicant)
)

OPPOSITION NO. 123,506
CANCELLATION NOS. 31,984;
32,024; 32,025

03-27-2003

Trademark Trial and Appeal Board

PUCEL ENTERPRISES, INC.'S (MANUFACTURER OF GRIZZLY® EQUIPMENT)
BRIEF IN OPPOSITION TO GRIZZLY INDUSTRIAL, INC.'S MOTION TO AMEND
CERTIFICATE OF REGISTRATION NO. 2,413,625 AND APPLICATION SERIAL
NO. 76/088,346 PURSUANT TO SECTION 7(H) OF THE LANHAM ACT

Now comes the Opposer/Petitioner, Pucel Enterprises, Inc., manufacturer of
Grizzly® Equipment, and hereby respectfully opposes the proffered amendments in part
on the basis that they will exacerbate the likelihood of confusion and damage to
Opposer/Petitioner. Applicant's/Respondent's proposed amended and additional
language, namely, "for products for woodworking and metal working, namely, services"
in regard to the Registration and "for products for woodworking and metal working,
namely, services featuring" in regard to the Application to Register GRIZZLY.COM will
exacerbate the likelihood of confusion and damage to Opposer/Petitioner. Therefore,
Opposer/Petitioner respectfully opposes the amendments insofar as they seek insertion of
the aforementioned words in the Registration of GRIZZLY (2,413,625) and the

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application to register GRIZZLY.COM.

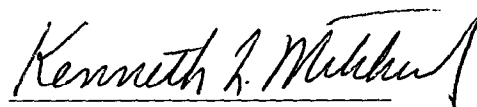
Pucel Enterprises, Inc., manufacturer of Grizzly Equipment, does not oppose the deletion of “dollies, hand trucks, storage bins, tool tables, sliding tables, material handling equipment, namely, carts, casters and wheels, mobile bases, outfeed tables and stands, roller stands, rollers, tables, and work stands” from the Application to Register GRIZZLY.COM.

Opposer/Petitioner, Pucel Enterprises, Inc., manufacturer of GRIZZLY® EQUIPMENT, still verily believes, notwithstanding the deletion of the quoted words from the application to register GRIZZLY.COM, that the registration of GRIZZLY.COM is likely to cause confusion and will cause damage to Opposer/Petitioner.

Opposer/Petitioner, Pucel Enterprises, Inc., manufacturer of GRIZZLY® EQUIPMENT, respectfully requests that the Board deny the amendments insofar as they propose to add additional language, namely, (1) “for products for woodworking and metal working, namely, services” in regard to the Registration No. 2,413,625 and, (2) “for products for woodworking and metal working, namely, services featuring” in regard to the Application to Register GRIZZLY.COM.

Respectfully Submitted,

Woodling, Krost and Rust

A handwritten signature in black ink, appearing to read "Kenneth L. Mitchell".

Kenneth L. Mitchell, 36,873
Charles R. Rust 18,716

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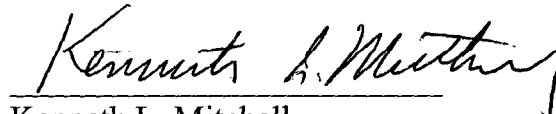
CERTIFICATE OF SERVICE

The foregoing was served upon Joseph Schmidt, Esq., Michael, Best & Friedrich, 401 North Michigan Avenue, Suite 1900, Chicago, Illinois 60611 by ordinary U.S. Mail this 27th day of March, 2003.


Kenneth L. Mitchell

CERTIFICATE OF MAILING

I hereby certify that the foregoing PUCEL ENTERPRISES, INC.'S (MANUFACTURER OF GRIZZLY® EQUIPMENT) BRIEF IN OPPOSITION TO GRIZZLY INDUSTRIAL, INC.'S MOTION TO AMEND CERTIFICATE OF REGISTRATION NO. 2,413,625 AND APPLICATION SERIAL NO. 76/088,346 PURSUANT TO SECTION 7(H) OF THE LANHAM ACT was mailed to the Commissioner for Trademarks, Box TTAB, 2900 Crystal Drive, Arlington, Virginia 22202 by Express Mail Post Office to Addressee EV 173851050 US this 27th day of March 2003.


Kenneth L. Mitchell